

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO**

SANDUSKY WELLNESS CENTER, LLC,)	
an Ohio limited liability company,)	
individually and as the representative of a)	
class of similarly-situated persons,)	
)	
Plaintiff,)	No. 12-CV-2257-DAK
)	
v.)	Judge David A. Katz
)	
WAGNER WELLNESS INC., ROBERT)	
WAGNER, and JOHN DOES 1-10,)	
)	
Defendants.)	

**ORDER PRELIMINARILY APPROVING SETTLEMENT
AND CERTIFYING SETTLEMENT CLASS**

This matter coming before the Court on the “Motion for Preliminary Approval of Class Action Settlement and Notice to the Settlement Class” (the “Motion”), after review and consideration of the Parties’ Settlement Agreement and having been fully advised in the premises, IT IS HEREBY ORDERED and adjudged as follows:

1. By stipulation of the Parties, and pursuant to Federal Rule of Civil Procedure 23, the Court preliminarily certifies the following Settlement Class: “All persons who from September 5, 2008 to June 25, 2015, were (1) sent unsolicited facsimile messages from or on behalf of Defendants, or (2) sent telephone facsimile messages inviting attendance at a Physicians Wellness and Weight Loss Program or advertising any other product or service which did not display a proper opt-out notice.” The Parties expressly agreed to this Settlement Class definition for settlement purposes. Excluded from the Settlement Class are (a) the Defendants and their present and former officers, directors, employees, members, managers, and their successors, heirs, assigns, and legal representatives; and (b) the Court and its officers.

2. The Court finds that class certification is appropriate because (a) the Settlement Class is so numerous that joinder of all members is impractical, (b) there are common questions of law and fact that predominate over any questions affecting only individual class members, (c) Plaintiffs will fairly and adequately protect the interests of the Settlement Class, and (d) a class action is an appropriate method for the fair and efficient adjudication of this controversy.

3. The Court appoints plaintiff, Sandusky Wellness Center, LLC (“Plaintiff”), as the “Class Representative” and appoints Brian J. Wanca of Anderson + Wanca as “Class Counsel.”

4. Pursuant to Federal Rule of Civil Procedure 23, the settlement of this action, as embodied in the terms of the Settlement Agreement, is preliminarily approved.

5. The Settlement Agreement is incorporated by reference into this Order (with capitalized terms as set forth in the Settlement Agreement) and is hereby preliminarily adopted as an Order of this Court.

6. The Settlement Agreement proposes notice to the Settlement Class by facsimile and U.S. mail to those class members to whom three attempts at facsimile notice is unsuccessful, and by maintaining a settlement website. The Court finds that such notice satisfies the requirements of due process and Rule 23. The plan is approved and adopted. The Court orders that the Parties provide the notice to the Settlement Class as proposed in the Settlement Agreement. The Court approves the form of the Notice as contained in Exhibit 2 to the Settlement Agreement. The Court also approves Class-Settlements.com as the Settlement Administrator.

7. The Court hereby sets deadlines and dates for the acts and events set forth in the Settlement Agreement and directs the Parties to incorporate the deadlines and dates in the Class Notice:

(a) The Notice shall be sent by the Settlement Administrator on or before October 16, 2015;

(b) Requests by any Settlement Class member to opt out of the settlement must be submitted to Class Counsel (with a copy to Defendants' Counsel) on or before November 30, 2015, or be forever barred; and

(c) Objections and motions to intervene, including supporting memoranda, shall be filed in this Court and postmarked and served on Class Counsel and Defendants' counsel, on or before November 30, 2015, or be forever barred.

8. The final approval hearing, set forth in the Class Notice, is hereby scheduled for February 9, 2016, at 10:30 a.m., in U. S. Courthouse, Courtroom 224, 1716 Spielbusch Avenue, Toledo, Ohio 43604.

ENTER:

s/ David A. Katz

The Honorable Judge David A. Katz